

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:12-CV-208-F

RONALD W. PHILLIPS,	)	
Plaintiff,	)	
	)	
v.	)	<u>ORDER</u>
	)	
REAL ESTATE PLUS INC.	)	
MANAGEMENT SERVICES, et al.,	)	
Defendants.	)	

This matter is before the court on the *pro se* Plaintiff's Motion to have Medical Records Sealed [DE-25]. Therein, Plaintiff seeks to have certain documents he has filed, ostensibly in support of the Complaint in this action, maintained under sealed.

Local Civil Rule 79.2 governs the filing of sealed documents in this court, and provides, in pertinent part, that "[a] party desiring to file a document under seal must first file a motion seeking leave in accordance with Section T of the CM/ECF Policy Manual." Section T of the Policy Manual, in turn, provides:

Except for motions filed under seal in accordance with Section T(1)(a)7 of this Policy Manual, each time a party seeks to file under seal, said party shall accompany the request with a motion to seal. The motion to seal may be filed without a supporting memorandum only if the filing party can cite a statute or rule (federal, local or standing order) that requires the filing to be sealed. Absent such authority, the filing party must submit a supporting memorandum that specifies:

- (i) the exact document or item, or portions thereof, for which filing under seal is requested;
- (ii) how such request to seal overcomes the common law or the First Amendment presumption to access;
- (iii) the specific qualities of the material at issue which justify sealing such material, taking into account the balance of competing interest in access;


- (iv) the reasons why alternatives to sealing are inadequate; and
- (v) whether there is consent to the motion.

**In addition to the motion and the supporting memorandum, the filing party must set out such findings in a proposed order to seal, which should be submitted in accordance with Section M of this Policy Manual.**

Policy Manual, Rule T(1)(a)(1). Although Plaintiff has not strictly complied with these directives, given his pro se status, the court will nevertheless consider the motion to seal.

In this case, all the documents Plaintiff seeks to seal are his medical records. The court has been informed that Defendants do not oppose the motion to seal, and although the motion has been pending for over a week, no member of the public has acted to challenge Plaintiff's request to seal. The court finds that Plaintiff's interest in his medical privacy overcomes both the common law and First Amendment presumption to access, and that there is no alternative to sealing the entirety of the medical records exhibits. The motion [DE-25] therefore is ALLOWED, and the Clerk of Court is DIRECTED to maintain the following documents under seal. DE-24.3; DE-24.4; DE-24.5, and DE-24.6 until further order from this court.

SO ORDERED. This the 8th day of February, 2013.

  
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JAMES C. FOX  
Senior United States District Judge